UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>18 June 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-23</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-23</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date <u>05/23/2008</u>.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-23 are presented for examination.

Response to Amendment/Argument

Applicant's argument regarding Gooch failure to disclose subcode frames including

synchronization symbols and data symbols at predetermined positions and assigning, storing a

number of additional synchronization symbols to at least one subcode frame at positions

provided for data symbols is persuasive and new rejection is provided herein below.

Applicants argument Gooch failure to teach a method of copy detection of a record

carrier on which a table of contents is mastered, wherein said table of contents is mastered on

said record carrier in a detectable non-standard way, remark page 13 par. 2, as recited in claims

1, 12, 17, 19 and 21 are not persuasive because Gooch discloses a table of content on a record

carrier (CD) see col. 0018, fig. 2 elements 7 and 9 and fig. 1. The table of content stored on the

CD is mastered in a detectable non-standard way (see col. 0018, claims 12-13, and 0060).

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-4, 12-14, 17, 19, 21, and 23 are rejected under 35 U.S.C. 102(e) as being

anticipated by Gooch US Pub. 2003/0086566 A1.

Regarding claims 1 and 23, Gooch discloses method of copy detection (0001) of a record carrier

(fig. 1 element 1) on which table of content entries are mastered (0018 and fig. 2 element 7; *disc*

table), characterized in that said table of content entries are mastered on said record carrier in a

detectable non-standard way (0060, 0006, 0010, 0034-0035 and fig. 2).

Regarding claims 12 and 19, Gooch discloses method/apparatus of read-out of a record carrier

(fig. 1 element 1) on which table of content entries are mastered (0033-0037), comprising the

steps of:

        reading said table of content entries (0026, 0058 and claims 12-13),

        checking if said table of content entries are mastered in a standard or a non-standard way

(0060, 0006, 0010, 0034-0035 and fig. 2), and

        outputting a signal indicating if said table of content entries are mastered in the standard

or in a non-standard way (0009-0010 and 0035-0037).

Regarding claim 17, Gooch discloses apparatus for copy detection (0001) of a record carrier (fig.

1 element 1) on which table of content entries are mastered (0018 and fig. 2 element 7; *disc*

table), characterized by control means for controlling the mastering of said table of content

entries on said record carrier such that said table of content entries are mastered in a detectable

non-standard way (0060, abstract, 0010, 0034-0035 and fig. 2).

Regarding claim 21, Gooch discloses record carrier on which table of content entries are

mastered, characterized in that said table of content entries are mastered (0018 and fig. 2 element

7) in a detectable non-standard way (0060, 0006, 0010, 0034-0035 and fig. 2).

Regarding claim 2, Gooch discloses method wherein the sequence of table of content entries is

mixed up compared to the standard sequence (0033-0034 and fig. 2).

Regarding claim 3, Gooch discloses method wherein a number of repetitions of table of content

entries is varied compared to the standard number of repetitions (0033-0036).

Regarding claim 4, Gooch discloses method wherein said table of content entries are only in a

predetermined area on said record carrier mastered in a detectable non-standard way (0060,

0006, 0010, 0034-0035 and fig. 2).

Regarding claim 13, Gooch discloses method wherein a unique identifier uniquely identifying

said record carrier read from said record carrier is only outputted if said table of content entries

are mastered in a non-standard way (0060, 0006, 0010, 0034-0035 and fig. 2).

Regarding claim 14, Gooch discloses method wherein copying of said record carrier is prevented

if said table of content entries are mastered in a non-standard way (claim 12 and 0033-0035).

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 16, 20, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by C-

DILLA WO 00/74053 A1.

Regarding claims 16 and 20, GIDILLA discloses method/apparatus of read-out (page 3

lines 1-13) of a record carrier (fig. 1) on which subcode data are stored in subcode frames of a

subcode channel (page 6 lines 23-35 and fig. 2), each subcode frame comprising synchronization

symbols (fig. 3; *s0 s1, s0 s1*) and data symbols at predetermined positions within said subcode

frame (fig. 2 and 3), comprising the steps of:

read-out of said subcode channel (page 7 lines 14-33),

checking if additional synchronization symbols are stored to at least one subcode frame at

positions provided for data symbols (see page 7 lines 4-page 8 lines 26 and fig. 3-5), and

outputting a check signal indicating the presence or absence of said additional

synchronization symbols in at least one subcode frame (see page 8 lines 3-page 9 lines 36).

Regarding claim 22, C-DILLA discloses record carrier on which subcode data are stored

in subcode frames of a subcode channel (page 3 lines 1-13 and fig. 1), each subcode frame

comprising synchronization symbols (fig. 3) and data symbols at predetermined positions within

said subcode frame (fig. 2 and 3), wherein a number of additional synchronization symbols are

assigned and stored to at least one subcode frame at positions provided for data symbols (fig. 3;

s0 s1, s0 s1), so that during read-out of said subcode channel (page 7 lines 14-33) a check signal

can be generated in response to detection of said additional synchronization symbols (see page 8

lines 3-page 9 lines 36).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   Claims 5-11, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gooch US Pub. 2003/0086566 A1 in view of C-DILLA WO 00/74053 A1.

Regarding claims 15, Gooch is silent about additional synchronization symbols and

checking synchronization symbols. However, C-DILLA discloses method/apparatus of read-out

(page 3 lines 1-13) of a record carrier (fig. 1) on which subcode data are stored in subcode

frames of a subcode channel (page 6 lines 23-35 and fig. 2), each subcode frame comprising

synchronization symbols (fig. 3; *s0 s1, s0 s1*) and data symbols at predetermined positions within

said subcode frame (fig. 2 and 3), comprising the steps of:

read-out of said subcode channel (page 7 lines 14-33),

checking if additional synchronization symbols are stored to at least one subcode frame at

positions provided for data symbols (see page 7 lines 4-page 8 lines 26 and fig. 3-5), and

outputting a check signal indicating the presence or absence of said additional

synchronization symbols in at least one subcode frame (see page 8 lines 3-page 9 lines 36).

Therefore it would have been obvious to one having ordinary skill in the art at the time of

the invention was made to modify the teachings of C-DILLA within the teachings of Gooch

because they are analogous in copy protection and to protect copy rights.

Regarding claims 5, 11, and 18, Gooch is silent about additional synchronization symbols

and checking synchronization symbols. However, C-DILLA discloses method further

comprising the steps of: storing subcode data on said record carrier in subcode frames of a

subcode channel (page 3 lines 1-13 and fig. 1), each subcode frame comprising synchronization

symbols and data symbols at predetermined positions within said subcode frame (fig. 3), and

assigning and storing a number of additional synchronization symbols to at least one subcode

frame at positions provided for data symbols (fig. 3; *s0 s1, s0 s1*) so that during read-out of said

subcode channel a check signal can be generated indicating the presence or absence of said

additional synchronization symbols (see page 8 lines 3-page 9 lines 36).

Therefore it would have been obvious to one having ordinary skill in the art at the time of

the invention was made to modify the teachings of C-DILLA within the teachings of Gooch

because they are analogous in copy protection and to protect copy rights.

Regarding claim 6, C-DILLA discloses method wherein a unique identifier uniquely

identifying said record carrier is stored in said subcode frames and wherein said unique identifier

is only outputted if said check signal indicates the presence of additional synchronization

symbols within said subcode frames (page 3 lines 18-22 and page 4 lines 31-35). The rational for

combining are the same as claim 5 above.

Regarding claim 7, C-DILLA discloses method wherein copying of said record carrier is

prevented if said check signal indicates the absence of additional synchronization symbols in

said subcode frames (page 1 lines 16-30 and page 9 lines 9-27). The rational for combining are

the same as claim 5 above.

Regarding claim 8, C-DILLA discloses method wherein additional synchronization symbols are

stored in each subcode frame, in particular at the end of each subcode frame (fig. 3). The rational

for combining are the same as claim 5 above.

Regarding claim 9, C-DILLA discloses method wherein said subcode frames are part of a

subcode Q-channel, in particular as defined in the Red Book for CD audio or in the Yellow Book

for CD-ROM (page 5 lines 18-22 and page 10 lines 2-9). The rational for combining are the

same as claim 5 above.

Regarding claim 10, C-DILLA discloses method wherein said data symbols stored in said

subcode frames comprise a unique identifier and error correction data and wherein said

additional synchronization symbols are stored to said at least one subcode frame on the cost of

said unique identifier or said error correction data (page 7 lines 4-12 and fig. 3). The rational for

combining are the same as claim 5 above.

Allowable Subject Matter

8.   Claims 16, 20 and 22 would be allowable if rewritten to include all the limitation of claim

7.

Conclusion

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ELENI A. SHIFERAW whose telephone number is (571)272-

3867. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nasser R. Moazzami can be reached on (571) 272-4195. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eleni A Shiferaw/
Examiner, Art Unit 2436

/Nasser G Moazzami/
Supervisory Patent Examiner, Art Unit 2436